IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17323 of 2004

Between:

M. Sreenivasulu, S/o. M. Kondaiah Chowdary,Ananthapur New Bus Station, R/o. 8/16, Industrial Estate, Kurnool, Kurnool District.

..... PETITIONER

AND

1 The Vice-Chairman-Cum-Managing Director, Andhra Pradesh State Road Transport Corporation, Hyderabad.
2 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Ananthapur Region, Ananthapur.
3 The Divisional Manager, Andhra Pradesh State Road Transport Corporation, Ananthapur Division, Ananthapur.
4 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Ananthapur.
5 The Bus Station Manager, Andhra Pradesh State Road Transport Corporation, New Bus Stand, Ananthapur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction(s) essentially in the nature of Writ of Mandamus declaring the Impugned Proceedings contained in No.02/122(36)/2001 RM'A' Dated 25-08-2004 issued by the Respondent No.2 herein rejecting application of the Petitioner herein for renewal of license for installing KIOSKS STALL in open space admeasuring 6 X 6 Square Feet at New Bus Station, Ananthapur, as bad, illegal, arbitrary, without jurisdiction and unconstitutional besides being violative of Articles 14, 19(g) and 21 of the Constitution of India and consequently direct the Respondents herein to renew the license of the Petitioner for installing KIOSKS STALL in open space admeasuring 6 X 6 Square Feet at New Bus Station, Ananthapur, for 3 years in terms of the Circular No.83/2003-OPD(C), Dated 29-10-2003 issued by the Respondent No.1 herein.

Counsel for the Petitioner:MR.KARNAMRAMESH

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO.17323 OF 2004

ORDER:-

Heard both the learned counsel. In this writ petition, the petitioner who is holding license from the respondent-corporation in respect of a shop in the Bus-stand at Ananthapur, seeks a writ of Mandamus challenging the impugned order dated 25-8-2004 rejecting his request for renewal of license.

Case of the petitioner is that earlier this Court set aside similar order and directed for reconsideration, especially in regard to extension of license period, which was terminated on certain allegations made against him. In spite of the same, the very same order has been passed and further, the said rejection is in the teeth of the circulars issued by the respondent-corporation.

It is seen from the proceedings that the main ground on which the request of the petitioner for renewal of license was rejected is that the petitioner has been consistently a defaulter in making payment of rents and further he was imposed with fine for illegal acts. Further, learned counsel for the petitioner submitted in regard to the default that as it is there are not arrears of rents. In the circumstances, the petitioner has come up with an offer that he is ready and willing to pay license fee for one year in advance or even for any such longer period if he is called upon to pay. Further he would abide by all the terms and conditions. It is also submitted that all the allegations cannot be attributed against the petitioner since the same were the result of the employee's acts, for which he cannot be punished.

Taking into consideration the submissions made on either side and on perusal of the material on record, it is seen that having regard to the offer now made on behalf of the petitioner and especially in view of the fact that the same has not come up for consideration before passing the impugned order, it is felt desirable to permit the petitioner to make a representation to the respondent-corporation for reconsideration of his request for renewal of license, which shall be considered by the respondents

on its own merits in accordance with law.

Accordingly, this writ petition is allowed and the impugned order is set aside. The matter is remitted to the respondents for consideration afresh and to pass orders on its own merits in accordance with law after giving notice and opportunity to the petitioner. It is open to the petitioner to make all such pleas by way of representation and the same shall form part of consideration. No costs.

10—11—2004.

Stv/-

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the Tenth day of November, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1 The Vice-Chairman-Cum-Managing Director, Andhra Pradesh State Road Transport Corporation,
Hyderabad.
2 The Regional Manager, Andhra Pradesh State Road Transport Corporation,
Ananthapur Region, Ananthapur.
3 The Divisional Manager, Andhra Pradesh State Road Transport Corporation,
Ananthapur Division, Ananthapur.

4 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Ananthapur.
5 The Bus Station Manager, Andhra Pradesh State Road Transport Corporation, New Bus Stand, Ananthapur.

6. Two C.Cs. to the Standing Counsel for A.P.S.R.T.C., High Court Buildings,

Hyderabad (OUT)

7. Two C.D. Copies.